

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARK MILLER,

Plaintiff,

v.

DOCTOR BARRET, *et al.*,

Defendants.

Case No. 3:23-cv-00370-ART-CSD

ORDER

Plaintiff filed a notice that he is speech impaired due to his tracheostomy tube and requesting that fellow inmate Roger Davis, #23363, be present to help him during the mediation conference scheduled for June 7, 2024. (ECF No. 11). Interested Party Nevada Department of Corrections (“NDOC”) timely objected to Plaintiff’s request for Davis’s assistance in part, highlighting that Davis is not an attorney and cannot represent or advise Plaintiff during the mediation conference. (ECF No. 15). But the NDOC acknowledges that Plaintiff’s “physical impairment of a tracheostomy tube . . . does create difficulty in speaking for the Plaintiff.” (ECF No. 15-1 at 3). The NDOC agrees to accommodate Plaintiff’s impairment “by allowing Roger Davis #23363 to assist [him] speaking during the” mediation conference. (*Id.*) And it requests that “Davis be subject to LR 16-5 and its guidance on confidentiality to preserve the confidential nature of the [mediation conference] and require Davis keep confidential all discussions that take place during the [conference].” (ECF No. 15 at 3–4).

The NDOC raises legitimate concerns about permitting Davis to assist Plaintiff in this action. And the solutions it proposes appear reasonably calculated to accommodate Plaintiff’s speech impairment during the mediation conference and maintain the confidentiality of that proceeding.

It is therefore ordered that the NDOC’s limited objection to Plaintiff’s request to have fellow inmate Roger Davis, #23363, present to help him during the mediation

1 conference in this action (ECF No. 15) is sustained, and Plaintiff's request for that relief
2 (ECF No. 11) is granted.

3 It is further ordered that Plaintiff is permitted to have inmate Roger Davis, #23363,
4 present during the mediation conference in this action for the limited purpose of
5 communicating Plaintiff's words during the conference.

6 It is further ordered that Davis may not represent or advise Plaintiff during the
7 conference.

8 It is further ordered that Davis is subject to LR 16-5's requirement that "no
9 disclosure may be made to anyone, including the judicial officer to whom the case is
10 assigned, of any confidential dispute-resolution communication that reveals the parties'
11 dispute-resolution positions or the evaluating magistrate judge's advice or opinions."

12 It is further ordered that the Clerk of the Court will send Roger Davis, #23363, a
13 courtesy copy of this order by delivering the same to the email address for Northern
14 Nevada Correctional Center's law library.

15 DATED THIS 20th day of May 2024.

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17 UNITED STATES MAGISTRATE JUDGE